

## **BILL ANALYSIS**

C.S.H.B. 1206  
By: Parker  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent legislation created the Parental Rights Advisory Panel to study and provide recommendations to the legislature regarding a parent's right to possession of or access to the parent's child, including interference with that right by the other parent in certain circumstances. It has been reported that the panel has recommended that current law be amended to better address circumstances in which a court order determining custodial rights to a child is not in place and a child is missing and suspected to have been taken by one of the child's parents with the purpose of depriving the other parent of the parent's rights or access to the child. Interested parties note that children missing under these circumstances can be in an immediate threat of danger. C.S.H.B. 1206 seeks to address this concern and to implement the recommendations of the panel by requiring law enforcement to search for a child reported missing under these circumstances and, after finding the child, to assess whether the child has been subjected to abuse.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1206 amends the Code of Criminal Procedure to require a local law enforcement agency, on receiving a report of a missing child taken or retained without the permission of the child's legal custodian for a period of not less than 48 hours, to immediately make a reasonable effort to locate the child and determine the child's well-being. The bill requires the agency, on determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect, to notify the Department of Family and Protective Services (DFPS) and authorizes the agency, on the determination, to take possession of the child. The bill authorizes DFPS, on receiving the agency's notice, to initiate an investigation into the allegation of abuse or neglect and to take possession of the child.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1206 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 63.009, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:

(1) shall notify the Department of Family and Protective Services; and

(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.

(a-2) The Department of Family and Protective Services, on receiving notice under Subsection (a-1), shall initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and may take possession of the child under Subchapter B, Chapter 262, Family Code.

SECTION 2. The change in law made by this Act applies only to the report of a missing child made to a law enforcement agency on or after the effective date of this Act. The report of a missing child made to a law enforcement agency before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 63.009, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:

(1) shall notify the Department of Family and Protective Services; and

(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.

(a-2) The Department of Family and Protective Services, on receiving notice under Subsection (a-1), may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and take possession of the child under Chapter 262, Family Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.